S T A T E O F N E W Y O R K

3188

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. PHEFFER, FARRELL, DINOWITZ, ROSENTHAL -- Multi-Sponsored by -- M. of A. BING -- read once and referred to the Committee on Aging

AN ACT to amend the real property tax law, in relation to increasing the allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases, increasing the combined household income limit for eligibility for a senior citizen rent increase exemption (SCRIE) and for a municipal property tax abatement for rent-controlled and rent regulated property occupied by senior citizens on the basis of the consumer price index, and including within the definition of "income" the deduction of the out-of-pocket expenses for all medical and prescription drugs not reimbursed or paid for by insurance

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph a of subdivision 3 of section 467-b of the real property tax law, as separately amended by chapters 188 and 205 of the laws of 2005, is amended to read as follows:

a. for a dwelling unit where the head of the household is a person sixty-two years of age or older, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than [twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine,] THIRTY THOUSAND DOLLARS as may be provided by the local law, ordinance or resolution adopted pursuant to this section, provided that when the head of the household retires before the commencement of such income tax year and

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD05454-02-9

the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year. THE MAXIMUM INCOME THRESHOLD PROVIDED FOR IN THIS PARAGRAPH SHALL BE INCREASED BY ORDER OF THE COMMISSIONER OF THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL ON JANUARY FIRST OF EACH YEAR TO REFLECT ANY INCREASE IN THE REGIONAL CONSUMER PRICE INDEX FOR THE N.Y., N.Y.-NORTHEASTERN, N.J. AREA, BASED UPON THE INDEX FOR ALL URBAN CONSUMERS (CPI-U) DURING THE PRECEDING TWELVE MONTH PERIOD; PROVIDED THAT THE GOVERNING BODY OF A MUNICIPAL CORPORATION, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE, OR RESOLUTION PROVIDING THEREFOR.

S 2. Paragraph d of subdivision 1 of section 467-c of the real property tax law, as separately amended by chapters 188 and 205 of the laws of 2005, is amended to read as follows:

d. "Eligible head of the household" means (1) a person or his or her spouse who is sixty-two years of age or older and is entitled to the possession or to the use and occupancy of a dwelling unit, provided, however, with respect to a dwelling which was subject to a mortgage insured or initially insured by the federal government pursuant to section two hundred thirteen of the National Housing Act, as amended "eligible head of the household" shall be limited to that person or his or her spouse who was entitled to possession or the use and occupancy of such dwelling unit at the time of termination of such mortgage, and whose income when combined with the income of all other members of the household, does not exceed six thousand five hundred dollars for the taxable period, or such other sum not less than [sixty-five hundred dollars nor more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine,] THIRTY THOUSAND DOLLARS as may be provided by local law; or (2) a person with a disability as defined in this subdivision. THE MAXIMUM INCOME THRESHOLD PROVIDED FOR IN THIS PARAGRAPH SHALL BE INCREASED BY ORDER OF THE COMMISSIONER OF THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL ON JANUARY FIRST OF EACH YEAR TO REFLECT ANY INCREASE IN THE REGIONAL CONSUMER PRICE INDEX FOR THE N.Y., N.Y.-NORTHEASTERN, N.J. AREA, BASED UPON THE INDEX FOR ALL URBAN CONSUMERS (CPI-U) DURING THE PRECEDING TWELVE MONTH PERIOD; PROVIDED THAT THE GOVERNING BODY OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE, OR RESOLUTION PROVIDING THEREFOR.

S 3. Paragraph c of subdivision 1 of section 467-b of the real property tax law, as amended by chapter 500 of the laws of 2001, is amended to read as follows:

c. "Income" means income from all sources after deduction of all income and social security taxes and includes social security and retirement benefits, supplemental security income and additional state payments, public assistance benefits, interest, dividends, net rental income, salary or earnings, and net income from self-employment, but shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, [or] increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year

which take effect after the date of eligibility of head of the household receiving benefits hereunder whether received by the head of the household or any other member of the household, OR, PROVIDED THAT THE GOVERNING BOARD OF A MUNICIPAL CORPORATION, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE, OR RESOLUTION PROVIDING THEREFOR, ALL OUT-OF-POCKET MEDICAL AND PRESCRIPTION DRUG EXPENSES NOT REIMBURSED OR PAID FOR BY INSURANCE;

S 4. Paragraph f of subdivision 1 of section 467-c of the real property tax law, as amended by chapter 500 of the laws of 2001, is amended to read as follows:

f. "Income" means income received by the eligible head of the household combined with the income of all other members of the household from all sources after deduction of all income and social security taxes and includes without limitation, social security and retirement benefits, supplemental security income and additional state payments, public assistance benefits, interest, dividends, net rental income, salary and earnings, and net income from self employment, but shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution as defined in P.L. 103-286, nor increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of an eligible head of the household receiving benefits hereunder whether received by the eligible head of the household or any other member of the household. When the eligible head of the household has retired on or after the commencement of the taxable period and prior to the date of making an application for a rent increase exemption order/tax abatement certificate pursuant to this section, such person's income shall be adjusted by excluding salary or earnings and projecting such person's retirement income over the entire taxable period. NOR SHALL INCOME INCLUDE, PROVIDED THAT THE GOVERNING BOARD OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AFTER A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE, OR RESOLUTION PROVIDING THEREFOR, ALL OUT-OF-POCKET MEDICAL AND PRESCRIPTION DRUG EXPENSES NOT REIMBURSED OR PAID FOR BY INSURANCE.

S 5. This act shall take effect immediately, provided that the amendment to paragraph a of subdivision 3 of section 467-b of the real property tax law made by section one of this act and the amendment to paragraph c of subdivision 1 of section 467-b of the real property tax law made by section three of this act shall not affect the expiration of such section as enacted by chapter 576 of the laws of 1974, as last extended, and shall be deemed to expire therewith.